

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

| | | | |
|---------------------------------------|---------------|---|-----------------------|
| IN RE: | CRAIG ATKINS, | : | |
| | | : | |
| | Debtor. | : | Chapter 13 |
| | | : | |
| | | : | Bky. No. 14-14696 ELF |
| | | : | |
| | | : | |
| CRAIG ATKINS, | | : | |
| | | : | |
| | Plaintiff, | : | |
| | | : | |
| | v. | : | |
| | | : | Adv. No. 14-0330 ELF |
| GELT PROPERTIES, LLC, <u>et al.</u> , | | : | |
| | | : | |
| | Defendants. | : | |
| | | : | |

ORDER

AND NOW, upon consideration of Defendant Gelt Properties, LLC's Motion to Dismiss Debtor's Amended Complaint, or in the Alternative for Summary Judgment ("the Motion") (Doc. # 17) and the Debtor's Answer in response thereto, and for the reasons set forth in the accompanying Memorandum,

It is hereby **ORDERED** that:

1. The Motion is **GRANTED**.
2. **Count I** of the Amended Complaint is **DISMISSED WITH PREJUDICE**, except that the dismissal is without prejudice to the Debtor right to seek a determination of the amount of National Penn Bank's claim in an appropriate contested matter.
3. **Counts II and III** of the Amended Complaint are **DISMISSED WITH PREJUDICE**.

Date: February 27, 2015



ERIC L. FRANK
CHIEF U.S. BANKRUPTCY JUDGE